

## 2. APPROPRIATIONS ACTS

[As Amended Through P.L. 106-170, Dec. 17, 1999]

### a. FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(ALLOTMENT FROM COMMODITY CREDIT CORPORATION)

#### DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, FY 1983<sup>1a-1</sup>

\* \* \* The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit annual<sup>1a-2</sup> reports to the appropriate committees of Congress concerning such developments.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000<sup>1a-3</sup>

### FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$109,203,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

### b. COMMODITY CREDIT CORPORATION EXPORT CREDIT PROGRAMS

#### URGENT SUPPLEMENTAL APPROPRIATIONS, FY 1984

SEC. 106.<sup>106-1</sup> (a) The Secretary of Agriculture shall utilize the authorities provided in the Charter of the Commodity Credit Corporation to expand the export of United States agricultural com-

<sup>1a-1</sup> Pub. L. 97-370, 96 Stat. 1808, Dec. 18, 1982.

<sup>1a-2</sup> Section 202 of Pub. L. 99-386, 100 Stat. 823, Aug. 22, 1986, substituted "annual" for "quarterly".

<sup>1a-3</sup> Pub. L. 106-78, 113 Stat. 1157, Oct. 22, 1999.

<sup>106-1</sup> H.J. Res. 492, P.L. 98-332, 98 Stat. 287, July 2, 1984.

modities through competitive sales, including shipping costs and credit terms, and donations as authorized by law. In carrying out the authorities and responsibilities imposed by the Charter, the Secretary shall assist in the financing of export sales of United States agricultural products, either through direct or guaranteed loans. The Secretary shall use the Commodity Credit Corporation, a revolving fund capitalized at \$25,000,000,000, to make available under the export credit program carried out by the Corporation short-term credit to finance export sales of United States agricultural commodities, and shall also use such other authorities as necessary to regain the rightful share of world markets for United States agricultural commodities.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000**<sup>1b-1</sup>

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and \$589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

c. EXPORT PROMOTION TO MEET SUBSIDIZED FOREIGN COMPETITION

**AGRICULTURE DEPARTMENT APPROPRIATION, FY 1984**

SEC. 625.<sup>625-1</sup> (a) The Commodity Credit Corporation shall use the authority in its charter, including blended credit or other authorities, to promote exports of farm commodities, including perishables as well as basic commodities.

To the extent practicable, the expenditures and contributions required by this section shall be targeted by the Secretary of Agriculture to facilitate sales of United States products in markets in which foreign competing products are, in the Secretary's determination, subsidized directly or indirectly resulting in a competitive disadvantage for such United States products.

<sup>1b-1</sup> Pub. L. 106-78, 113 Stat. 1158, Oct. 22, 1999.

<sup>625-1</sup> Section 625 appears in the Conference Report of H.R. 3223 (Report No. 98-450, 98th Cong., 1st. Sess., Oct. 27, 1983). The provisions of H.R. 3223 as modified by the Conference Report were enacted into law by H.J. Res. 413, P.L. 98-151, 97 Stat. 972, Nov. 14, 1983.

### 3. TRIGGERED EXPORT ENHANCEMENT

#### Omnibus Budget Reconciliation Act of 1990

[SEC. 1302.<sup>1302-1</sup> [7 U.S.C. 1421 note] READJUSTMENT OF SUPPORT LEVELS.]

#### Omnibus Trade and Competitiveness Act of 1988

[SEC. 4301.<sup>4301-1</sup> [7 U.S.C. 1446 note] TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.]

### 3. ASSISTANCE FOR SPECIFIC COMMODITIES

#### a. Dairy Export Incentive Program

##### FOOD SECURITY ACT OF 1985

##### DAIRY EXPORT INCENTIVE PROGRAM

SEC. 153.<sup>153-1</sup> [15 U.S.C. 713a-14] (a) During the period beginning 60 days after the date of enactment of this Act and ending on December 31, 2002,<sup>153-2</sup> the Commodity Credit Corporation shall establish and operate an export incentive program as described in this section for dairy products under section 5 of the Commodity Credit Corporation Charter Act.

(b) The program established under subsection (a) shall provide for the Corporation to make payments, on a bid basis, to an entity that sells for export United States dairy products. The Secretary shall have sole<sup>153-3</sup> discretion to accept or reject bids under such criteria as the Secretary deems appropriate.

(c) The program shall be operated under such rules and regulations issued by the Secretary as the Secretary deems necessary to ensure, among other things, that—

(1) payments may be made under the program only on the quantity of dairy products sold by an entity for export in any year that is in addition to, and not in place of, any export sales of dairy products that the entity would otherwise make in the absence of the program;

(2) to the extent practicable, dairy products sold for export under the program will not displace commercial export sales of United States dairy products by other exporters;

<sup>1302-1</sup> Sec. 1302 was repealed by sec. 263(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1302, see p. 7-4 and 7-5 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>4301-1</sup> Sec. 4301 was repealed by sec. 263(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 4301, see p. 7-6 and 7-7 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>153-1</sup> Pub. L. 101-624, § 114, 104 Stat. 3380, Nov. 28, 1990 substituted December 31, 1995 for September 30, 1990.

<sup>153-2</sup> Section 411(b) of the Uruguay Round Agreements Act, P.L. 103-465, 108 Stat. 4963, Dec. 8, 1994, amended subsection (a) by striking “1995” and inserting “2001”. Sec. 451 of the Act provides that, except as otherwise provided in the title, the amendments made by title IV of the Act shall take effect on the date of entry into force of the WTO Agreement with respect to the United States.

Sec. 148(a) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (a) by striking “2001” and inserting “2002”.

<sup>153-3</sup> Sec. 148(b) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (b) by inserting “sole” before “discretion”.

(3)<sup>153-4</sup> the maximum volume of dairy product exports allowable consistent with the obligations of the United States as a member of the World Trade Organization is exported under the program each year (minus the volume sold under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value set forth in subsection (f); and

(4)<sup>153-4</sup> payments may be made under the program for exports to any destination in the world for the purpose of market development, except a destination in a country with respect to which shipments from the United States are otherwise restricted by law.

(d)(1) The regulations issued by the Secretary may provide for payments under the program to be made in cash or in commodities of equal value that are available in Commodity Credit Corporation stock.

(2)<sup>153-5</sup> If payments in commodities are authorized, such payments shall be made through the issuance of generic certificates redeemable in commodities.

(3)<sup>153-5</sup> If generic certificates issued in accordance with the program provided for by this section are exchanged for dairy products owned by the Commodity Credit Corporation, the regulations issued by the Secretary shall ensure that—

(A) such dairy products, or an equal quantity of other dairy products, will be sold for export by the entity; and

(B) any such export sales by the entity—

(i) will be in addition to, and not in place of, export sales of dairy products that the entity would otherwise make under the program or in the absence of the program; and

(ii) to the extent practicable, will not displace commercial export sales of United States dairy products by other exporters.

(e)(1) The payments made under the program shall be made at a rate or rates established or approved by the Secretary, taking into consideration, among other things the type of product to be exported, the domestic price of dairy products, the world price of the dairy products, and any additional amount that may be required to assist in the development of world markets for United States dairy products.<sup>153-6</sup>

(2) Any such rate established or approved by the Secretary shall be published in the Federal Register or publicly announced through other appropriate means, and shall be at a level or levels as will encourage the exportation of United States dairy products by entities.

<sup>153-4</sup> Sec. 148(c) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (c) by adding paras. (3) and (4) and making conforming amendments.

<sup>153-5</sup> Section 4308 of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1399, Aug. 23, 1988, substituted new paragraphs (2) and (3).

<sup>153-6</sup> Sec. 148(d) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 920, April 4, 1996, amended subsec. (e) by inserting “, and any additional amount that may be required to assist in the development of world markets for United States dairy products” and making a conforming amendment.

(f) <sup>153-7</sup> REQUIRED FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year.

(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations specified in subsection (c)(3) on the volume of allowable dairy product exports.

## **b. Triggered Marketing Loans for Wheat and Feed Grains**

### **Omnibus Budget Reconciliation Act of 1990**

[SEC. 1302. <sup>1302-1</sup> [7 U.S.C. 1421 note] READJUSTMENT OF SUPPORT LEVELS.]

### **Omnibus Trade and Competitiveness Act of 1988**

[SEC. 4301. <sup>4301-1</sup> [7 U.S.C. 1446 note] TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT.]

## **4. ASSISTANCE TO SPECIFIC COUNTRIES**

### **a. Assistance for Panama**

#### **JOINT RESOLUTION OF DECEMBER 22, 1987**

SEC. 570. <sup>570-1</sup> [22 U.S.C. 2151 note] (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from non-military activities and institutions;

(2) the Government of Panama is conducting an impartial investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections; and

(4) freedom of the press and other constitutional guarantees, including due process of law, are restored to the Panamanian people;

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for Panama in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this

<sup>153-7</sup> Sec. 148(e) of the Agricultural Market Transition Act, P.L. 104-127, 110 Stat. 921, April 4, 1996, added subsec. (f).

<sup>1302-1</sup> Sec. 1302 was repealed by sec. 263(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1302, see p. 7-4 and 7-5 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>4301-1</sup> Sec. 4301 was repealed by sec. 263(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 4301, see p. 7-6 and 7-7 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>570-1</sup> P.L. 100-202, 101 Stat. 1329-174.

Act, or any other Act, shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the period January 1, 1988, through December 31, 1988.

(b) It is the sense of the Congress that if the conditions described in paragraphs (1) through (4) of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit, guaranty, or insurance, or by any other means, by any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act);

(2) sales, credits, and guarantees under the Arms Export Control Act;

(3) sales under title I or III and donations under title II of the Agricultural Trade Development and Assistance Act of 1954 of nonfood commodities;

(4) other financing programs of the Commodity Credit Corporation for export sales of nonfood commodities;

(5) financing under the Export-Import Bank Act of 1945; and

(6) assistance provided by the Central Intelligence Agency or assistance provided by any other entity or component of the United States Government if such assistance is carried out in connection with, or for purposes of conducting, intelligence or intelligence-related activities except that this shall not include activities undertaken solely to collect necessary intelligence; except that the term "United States assistance" does not include (A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies, (B) assistance which involves the donations of food or medicine, (C) disaster relief assistance (including any assistance under chapter 9 of part I of the Foreign Assistance Act of 1961), (D) assistance for refugees, (E) assistance under the Inter-American Foundation Act, (F) assistance necessary for the continued financing of education for Panamanians in the United States, or (G) assistance made available for termination costs arising from the requirements of this section.

(d) The Secretary of Treasury shall instruct the United States Executive Directors to the Multilateral Development Banks (the International Bank for Reconstruction and Development, the International Finance Corporation, and the Inter-American Development Bank) to vote against any loan to Panama, unless the President has certified in advance that the conditions set forth in subsection (a) of this section have been met.

## b. Emerging Markets

### FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990

#### SEC. 1542.<sup>1542-1</sup> [7 U.S.C. 5622 note] PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.<sup>1542-2</sup>

(a)<sup>1542-3</sup> FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than \$1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 201 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts acquired or authorized under section 211 of the Act (7 U.S.C. 5641) for the program.

(b)<sup>1542-4</sup> FACILITIES AND SERVICES.—A portion of such export credit guarantees shall be made available for—

(1) the establishment or improvement of facilities, or

(2) the provision of services or United States products goods,

in emerging markets<sup>1542-5</sup> by United States persons to improve handling, marketing, processing, storage, or distribution of imported agricultural commodities and products thereof if the Secretary of Agriculture determines that such guarantees will primarily promote the export of United States agricultural commodities (as defined in section 102(7)<sup>1542-6</sup> of the Agricultural Trade Act of 1978). The Commodity Credit Corporation shall give priority under this subsection to—

(A) projects that encourage the privatization of the agricultural sector or that benefit private farms or cooperatives in emerging markets; and

(B) projects for which nongovernmental persons agree to assume a relatively larger share of the costs.<sup>1542-7</sup>

(c) CONSULTATIONS.—Before the authority under this section is exercised, the Secretary of Agriculture shall consult with exporters of United States agricultural commodities (as defined in section 102(7)<sup>1542-8</sup> of the Agricultural Trade Act of 1978), nongovernmental experts, and other Federal Government agencies in order to ensure that facilities in an emerging market<sup>1542-9</sup> for which financing is guaranteed under paragraph (1)(B) do not primarily benefit

<sup>1542-1</sup> Pub. L. 101-624, 104 Stat. 3691, Nov. 28, 1990.

<sup>1542-2</sup> Sec. 277(a)(1)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the sec. heading by striking “EMERGING DEMOCRACIES” and inserting “EMERGING MARKETS”.

<sup>1542-3</sup> Sec. 277(a)(2) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (a) in its entirety. For the text of former subsec. (a), see p. 7-11 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1542-4</sup> Section 706(2)(B) of P.L. 102-511 added reference to provision of services and United States goods.

<sup>1542-5</sup> Sec. 277(a)(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsecs. (b), (d), and (e) by striking “emerging democracies” each place it appears and inserting “emerging markets”.

<sup>1542-6</sup> Sec. 277(a)(4) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subsecs. (b) and (c) by striking “section 101(6)” each place it appears and inserting “section 102(7)”.

<sup>1542-7</sup> Sec. 277(a)(3)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the last sentence of subsec. (b) in its entirety. For the text of former last sentence, see p. 7-12 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1542-8</sup> See footnote 1542-6.

<sup>1542-9</sup> Sec. 277(a)(1)(C) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (c) by striking “emerging democracy” each place it appears and inserting “emerging market”.

countries which are in close geographic proximity to that emerging democracy.

(d)<sup>1542-10</sup> E (Kika) DE LA GARZA AGRICULTURAL FELLOWSHIP PROGRAM.—The Secretary of Agriculture (hereafter in this section referred to as the “Secretary”) shall establish a program, to be known as the “E (Kika) de la Garza Agricultural Fellowship Program”, to develop agricultural markets in emerging markets<sup>1542-11</sup> and to promote cooperation and exchange of information between agricultural institutions and agribusinesses in the United States and emerging markets,<sup>1542-12</sup> as follows:

(1) DEVELOPMENT OF AGRICULTURAL SYSTEMS.—

(A) IN GENERAL.—

(i) ESTABLISHMENT OF PROGRAM.—For each of the fiscal years 1991 through 2002,<sup>1542-13</sup> the Secretary of Agriculture (hereafter in this section referred to as the “Secretary”), in order to develop, maintain, or expand markets for United States agricultural exports, is directed to make available to emerging markets<sup>1542-14</sup> the expertise of the United States to make assessments of the food and rural business systems needs of such democracies, make recommendations on measures necessary to enhance the effectiveness of the systems, including potential reductions in trade barriers, and identify and carry out<sup>1542-15</sup> specific opportunities and projects to enhance the effectiveness of those systems.

(ii) EXTENT OF PROGRAM.—The Secretary shall implement this paragraph with respect to at least 3 emerging markets<sup>1542-16</sup> in each fiscal year.

(B) EXPERTS FROM THE UNITED STATES.—The Secretary may<sup>1542-17</sup> implement the requirements of subparagraph (A)—

(i) by providing assistance to teams consisting primarily of agricultural consultants, farmers, other persons from the private sector and government officials expert in assessing the food and rural business systems of other countries to enable such teams to conduct the assessments, make the recommendations, and identify the opportunities and projects specified in subparagraph (A) in emerging markets;<sup>1542-18</sup>

(ii) by providing necessary subsistence expenses in the United States and necessary transportation expenses by individuals designated by emerging mar-

<sup>1542-10</sup> Pub. L. 102-237, 105 Stat. 1859-60, Dec. 13, 1991.

<sup>1542-11</sup> See footnote 1542-5.

<sup>1542-12</sup> Sec. 277(a)(3)(B)(i) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended the matter preceding para. (1) by striking “the Soviet Union” and inserting “emerging markets”.

<sup>1542-13</sup> Sec. 277(a)(3)(B)(ii)(I)(aa) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “1995” and inserting “2002”.

<sup>1542-14</sup> See footnote 1542-5.

<sup>1542-15</sup> Sec. 277(a)(3)(B)(ii)(I)(bb) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “those systems, and identify” and inserting “the systems, including potential reductions in trade barriers, and identify and carry out”.

<sup>1542-16</sup> See footnote 1542-5.

<sup>1542-17</sup> Sec. 277(a)(3)(B)(ii)(II) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (B) by striking “shall” and inserting “may”.

<sup>1542-18</sup> See footnote 1542-5.



kets<sup>1542-18</sup> to enable such individuals to consult with food and rural business system experts in the United States to enhance such systems of such emerging markets;<sup>1542-18</sup> and

(iii) by providing for necessary subsistence expenses in emerging markets<sup>1542-18</sup> and necessary transportation expenses of United States agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to assist in transferring their knowledge and expertise to entities in emerging markets.<sup>1542-18</sup>

(C) COST-SHARING.—The Secretary shall encourage the nongovernmental experts described in subparagraph (B) to share the costs of, and otherwise assist in, the participation of such experts in the program under this paragraph.

(D)<sup>1542-19</sup> TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance (including the establishment of extension services)<sup>1542-20</sup> to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under subparagraph (A)(i). Notwithstanding any other provision of law, the assistance shall include assistance for administrative and overhead expenses of the International Cooperation and Development Program Area of the Foreign Agriculture Service, to the extent that the expenses were incurred pursuant to reimbursable agreements entered into prior to September 30, 1993, the expenses do not exceed \$2,000,000 per year, and the expenses are not incurred for information technology systems.<sup>1542-21</sup>

(E) REPORTS TO SECRETARY.—A team that receives assistance under subparagraph (B) shall prepare such reports as the Secretary may designate.

(F)<sup>1542-22</sup> ADVISORY COMMITTEE.—To provide the Secretary with information that may be useful to the Secretary in carrying out the provisions of this paragraph, the Secretary shall establish an advisory committee composed of representatives of the various sectors of the food and rural business systems of the United States.

(G)<sup>1542-22</sup> USE OF CCC.—The Secretary shall implement this paragraph through the funds and facilities of the Commodity Credit Corporation. The authority provided under this paragraph shall be in addition to and not in place of any other authority of the Secretary or the Commodity Credit Corporation.

<sup>1542-19</sup> Amended by section 706(2)(D) of P.L. 102-511.

<sup>1542-20</sup> Sec. 277(a)(3)(B)(ii)(III) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (D) by inserting “(including the establishment of extension services)” after “technical assistance”.

<sup>1542-21</sup> Sec. 278 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended subpara. (D) by adding this sentence.

<sup>1542-22</sup> Subclauses (IV) and (V) of sec. 277(a)(3)(B)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former subpara. (F) and redesignated former subparas. (G), (H), and (I) as subparas. (F), (G), and (H), respectively. For the text of former subpara. (F), see p. 7-13 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994)

(H) <sup>1542-22</sup> LEVEL OF ASSISTANCE.—The Secretary shall provide assistance under this paragraph of not more than \$10,000,000 in any fiscal year.

(2) AGRICULTURAL INFORMATION PROGRAM.—

(A) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program, administered to complement the emerging markets <sup>1542-23</sup> export promotion program developed under this section, to initiate and develop collaboration between the United States Department of Agriculture, United States agribusinesses, and appropriate agricultural institutions in emerging markets <sup>1542-24</sup> in order to promote the exchange of information and resources that will make a long-term contribution to the establishment of free market food production and distribution systems <sup>1542-25</sup> in emerging markets <sup>1542-26</sup> and the enhancement of agricultural trade with the United States.

(B) IMPLEMENTATION.—The Secretary shall draw on the Department of Agriculture's experience to design, implement, and evaluate, on a cost-sharing basis with cooperating agricultural institutions, a program to—

(i) compile, through contacts with the governments <sup>1542-27</sup> of emerging markets <sup>1542-28</sup> and private sector officials in emerging markets, <sup>1542-28</sup> a list of their agricultural institutions, including the location, capabilities, and needs of the institutions;

(ii) make such information available through an appropriate agency of the Department of Agriculture to agribusinesses and agricultural institutions in the United States and other agencies of the United States Government; and

(iii) carry out a program—

(I) to review available agricultural information resources, to determine which would be useful for the purposes of this program;

(II) to arrange for the exchange of persons associated with such agricultural institutions and agribusinesses with experience or interest in the areas of need identified in clause (i);

(III) to help establish contacts between agricultural entrepreneurs and businesses in the United States and emerging markets, <sup>1542-28</sup> which may include individuals and entities participating in the program established under paragraph (1), to facilitate cooperation and joint enterprises; and

<sup>1542-23</sup> See footnote 1542-5.

<sup>1542-24</sup> Sec. 277(a)(3)(B)(iii)(I) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended para. (2) by striking “the Soviet Union” each place it appears and inserting “emerging markets”.

<sup>1542-25</sup> Sec. 277(a)(3)(B)(iii)(II) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended subpara. (A) by striking “a free market food production and distribution system” and inserting “free market food production and distribution systems”.

<sup>1542-26</sup> See footnote 1542-24.

<sup>1542-27</sup> Sec. 277(a)(3)(B)(iii)(III)(aa) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended clause (i) by striking “Government” and inserting “governments”.

<sup>1542-28</sup> See footnote 1542-24.

(IV)<sup>1542-29</sup> to provide for the exchange of administrators and faculty members from agricultural and other institutions to strengthen and revise educational programs in agricultural economics, agribusiness, and agrarian law, to support change towards a free market economy in emerging markets.

(C) CONSULTATION AND COORDINATION.—The Secretary shall consult and coordinate with the Secretary of State and the Agency for International Development in the formulation and implementation of this program in conjunction with overall assistance to emerging markets.<sup>1542-30</sup>

(D)<sup>1542-31</sup> AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the program established under this paragraph.

[(3)<sup>1542-32</sup>]

(e) FOREIGN DEBT BURDENS.—

(1) EFFECT OF CREDITS.—In carrying out the program described in subsection (a), the Secretary of Agriculture shall ensure that the credits for which repayment is guaranteed under subsection (a) do not negatively affect the political and economic situation in emerging markets<sup>1542-33</sup> by excessively adding to the foreign debt burdens of such countries.

(2) CONSULTATION AND REPORT.—Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not<sup>1542-34</sup> later than 6 months after the effective date of this title, and not later than the end of each 6-month period occurring thereafter, the Secretary of Agriculture, in consultation with other appropriate Federal departments, shall prepare and transmit to the Committee on Foreign Affairs and the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report to assist the Congress in assessing the extent to which credits for which repayment is guaranteed under subsection (a) meet the requirements of subparagraph (A). The report shall include—

(A) the amount and allocation, by country, of credit guarantees issued under subsection (a);

(B) the aggregate foreign debt burdens of countries receiving commodities or facilities under such credit guarantees, expressed in terms of debt on account of agricultural commodities or products thereof, or facilities for which

<sup>1542-29</sup> Sec. 277(a)(3)(B)(iii)(III) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, added subclause (IV) and made conforming amendments.

<sup>1542-30</sup> See footnote 1542-24.

<sup>1542-31</sup> Sec. 277(a)(3)(B)(iii)(IV) and (V) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former subpara. (D) and redesignated former subpara. (E) as subpara. (D). For the text of former subpara. (D), see p. 7-14 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1542-32</sup> Sec. 277(a)(3)(B)(iv) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, struck former para. (3). For the text of former para. (3), see p. 7-15 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1542-33</sup> See footnote 1542-5.

<sup>1542-34</sup> Sec. 277(a)(5) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 978, April 4, 1996, amended para. (2) by striking “Not” and inserting “Subject to section 217 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6917), not”.

guarantees may be made under subsection (a)(1)(B), and all other debt;

(C) the activities of creditor governments and private creditors to reschedule or reduce payments due on existing debt owed to such creditors by a country in cases where such country has been unable to fully meet its debt obligations; and

(D) an analysis of—

(i) the economic effects of the foreign debt burden of each recipient country, and in particular the economic effects on each recipient country of the credits for which repayment is guaranteed under subsection (a); and

(ii) the relationship between any negative economic effects on any recipient country caused by its overall foreign debt burden and debt incurred under subsection (a) and such country's political stability.

(f) <sup>1542-35</sup> EMERGING MARKET.—In this section and section 1543, the term “emerging market” means any country that the Secretary determines—

(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

**SEC. 1543.** <sup>1543-1</sup> **[7 U.S.C. 3293] AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS.** <sup>1543-2</sup>

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a fellowship program, to be known as the “Cochran Fellowship Program”, to provide fellowships to individuals from eligible countries (as determined under subsection (b)) <sup>1543-3</sup> who specialize in agriculture for study in the United States.

(b) <sup>1543-4</sup> ELIGIBLE COUNTRIES.—Countries described in any of the following paragraphs shall be eligible to participate in the program established under this section:

(1) MIDDLE-INCOME COUNTRY.—A country that has developed economically to the point where it no longer qualifies for bilateral foreign aid assistance from the United States because its per capita income level exceeds the eligibility requirements of such assistance programs (hereafter referred to in this section as a “middle-income” country).

(2) ONGOING RELATIONSHIP.—A middle-income country that has never qualified for bilateral foreign aid assistance from the United States, but with respect to which an ongoing relationship with the United States, including technical assistance and

<sup>1542-35</sup> Sec. 277(a)(1)(D) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 977, April 4, 1996, amended subsec. (f) in its entirety. For the text of former subsec. (f), see p. 7-16 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1543-1</sup> Pub. L. 101-624, 104 Stat. 3694, Nov. 28, 1990.

<sup>1543-2</sup> Sec. 277(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended the sec. heading by striking “MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES” and inserting “MIDDLE INCOME COUNTRIES, EMERGING DEMOCRACIES, AND EMERGING MARKETS”.

<sup>1543-3</sup> Parenthetical was added by section 705(a)(1) of Pub. L. 102-511.

<sup>1543-4</sup> Section 705(a)(2)(A) of P.L. 102-511 struck “that meet the following requirements” and inserted “described in any of the following paragraphs”.

training, would provide mutual benefits to such country and the United States.

(3) TYPE OF GOVERNMENT.—A country that has recently begun the transformation of its system of government from a non-representative type of government to a representative democracy and that is encouraging democratic institution building, and the cultural values, institutions, and organizations of democratic pluralism.

(4)<sup>1543-5</sup> INDEPENDENT STATES OF THE FORMER SOVIET UNION.—A country that is an independent state of the former Soviet Union (as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)), to the extent that the Secretary of Agriculture determines that such country should be eligible to participate in the program established under this section.

(5)<sup>1543-6</sup> EMERGING MARKET.—Any emerging market, as defined in section 1542(f).

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this section shall be provided to permit the recipients to gain knowledge and skills that will—

(1) assist eligible countries to develop agricultural systems necessary to meet the food and fiber needs<sup>1543-7</sup> of their domestic populations; and

(2) strengthen and enhance trade linkages between eligible countries and agricultural interests in the United States.

(d) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—The Secretary shall utilize the expertise of United States agricultural counselors, trade officers, and commodity trade promotion groups working in participating countries to help identify program candidates for fellowships under this section from both the public and private sectors of those countries. The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.<sup>1543-8</sup>

(e) PROGRAM IMPLEMENTATION.—The Secretary shall consult with other United States Government agencies, United States universities, and the private agribusiness sector, as appropriate, to design and administer training programs to accomplish the objectives of the Program established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the program established under this section, except that the amount of such funds in any fiscal year shall not exceed—

(1) for eligible countries that meet the requirements of subsection (b)(1), \$3,000,000;

(2) for eligible countries that meet the requirements of subsection (b)(2), \$2,000,000; and

(3) for eligible countries that meet the requirements of subsection (b)(3), \$5,000,000.

<sup>1543-5</sup> Added by section 705(a)(2)(B) of P.L. 102-511.

<sup>1543-6</sup> Sec. 277(b)(2) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, added para. (5).

<sup>1543-7</sup> Sec. 277(b)(3) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 979, April 4, 1996, amended para. (1) by striking “food needs” and inserting “food and fiber needs”.

<sup>1543-8</sup> This sentence was added by section 705(b) of P.L. 102-511.

(g) **COMPLEMENTARY FUNDS.**—If the Secretary of Agriculture determines that it is advisable in furtherance of the purposes of the program established under this section, the Secretary may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and may, in any manner, dispose of all such holdings and use the receipts generated from such disposition as general program funds under this section. All funds so designated for the program established under this section shall remain available until expended.

## **6. TRADE STRATEGY AND CONSULTATIONS**

(See also section 601 of the Agricultural Trade Act of 1978 printed in section 1 of this part of this compilation.)

### **a. Development Assistance Agreements**

#### **OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988**

#### **SEC. 4203.<sup>4203-1</sup> [7 U.S.C. 5213] JOINT DEVELOPMENT ASSISTANCE AGREEMENTS WITH CERTAIN TRADING PARTNERS.**

(a) **DEVELOPMENT OF PLAN.**—With respect to any country that has a substantial positive trade balance with the United States, the Secretary of Agriculture, in consultation with the Secretary of State and (through the Secretary of State) representatives of such country, may develop an appropriate plan under which that country would purchase United States agricultural commodities or products for use in development activities in developing countries. In developing such plan, the Secretary of Agriculture shall take in-to consideration the agricultural economy of such country, the nature and extent of such country's programs to assist developing countries, and other relevant factors. The Secretary of Agriculture shall submit each such plan to the President as soon as practicable.

(b) **AGREEMENT.**—The President may enter into an agreement with any country that has a positive trade balance with the United States under which that country would purchase United States agricultural commodities or products for use in agreed-on development activities in developing countries.

### **b. Trade Negotiations Policy**

#### **FOOD SECURITY ACT OF 1985**

#### **SEC. 1123.<sup>1123-1</sup> [7 U.S.C. 1736r] TRADE NEGOTIATIONS POLICY.**

(a) **FINDINGS.**—Congress finds that—

(1) on a level playing field, United States producers are the most competitive suppliers of agricultural products in the world;

(2) exports of United States agricultural products accounted for \$54,000,000,000 in 1995, contributing a net \$24,000,000,000 to the merchandise trade balance of the United States and supporting approximately 1,000,000 jobs;

<sup>4203-1</sup> Pub. L. 100-418, 102 Stat. 1392, Aug. 23, 1988.

<sup>1123-1</sup> Pub. L. 99-198, 99 Stat. 1481, Dec. 23, 1985. Sec. 269 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 975, April 4, 1996, amended sec. 1123 in its entirety. For the text of former sec. 1123, see p. 7-18 and 7-19 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

(3) increased agricultural exports are critical to the future of the farm, rural, and overall United States economy, but the opportunities for increased agricultural exports are limited by the unfair subsidies of the competitors of the United States, and a variety of tariff and nontariff barriers to highly competitive United States agricultural products;

(4) international negotiations can play a key role in breaking down barriers to United States agricultural exports;

(5) the Uruguay Round Agreement on Agriculture made significant progress in the attainment of increased market access opportunities for United States exports of agricultural products, for the first time—

(A) restraining foreign trade-distorting domestic support and export subsidy programs; and

(B) developing common rules for the application of sanitary and phytosanitary restrictions;

that should result in increased exports of United States agricultural products, jobs, and income growth in the United States;

(6) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by—

(A) allowing the European Union to continue unreasonable levels of spending on export subsidies; and

(B) failing to discipline monopolistic state trading entities, such as the Canadian Wheat Board, that use non-transparent and discriminatory pricing as a hidden de facto export subsidy;

(7) during the period 1996 through 2002, there will be several opportunities for the United States to negotiate fairer trade in agricultural products, including further negotiations under the World Trade Organization, and steps toward possible free trade agreements of the Americas and Asian-Pacific Economic Cooperation (APEC); and

(8) the United States should aggressively use these opportunities to achieve more open and fair opportunities for trade in agricultural products.

(b) GOALS OF THE UNITED STATES IN AGRICULTURAL TRADE NEGOTIATIONS.—The objectives of the United States with respect to future negotiations on agricultural trade include—

(1) increasing opportunities for United States exports of agricultural products by eliminating tariff and nontariff barriers to trade;

(2) leveling the playing field for United States producers of agricultural products by limiting per unit domestic production supports to levels that are no greater than those available in the United States;

(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at prices below domestic market prices or prices below their full costs of acquiring and delivering agricultural products to the foreign markets; and

(4) encouraging government policies that avoid price-depressing surpluses.

## 7. DEPARTMENT OF AGRICULTURE PERSONNEL

### a. Technical Support

(See also “Title V—Foreign Agricultural Service” of the Agricultural Act of 1978 printed in section 1 of this part of this compilation.)

#### AGRICULTURAL ACT OF 1970

SEC. 811.<sup>811-1</sup> [7 U.S.C. 612c-2] The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply, compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

### b. Agricultural Attaches

#### AGRICULTURAL ACT OF 1954

#### SEC. 108.<sup>108-1</sup> [7 U.S.C. 1748] ANNUAL REPORTS BY AGRICULTURAL ATTACHES.

(a) IN GENERAL.—The Secretary shall require appropriate officers and employees of the Department of Agriculture, including those stationed in foreign countries, to prepare and submit annually to the Secretary detailed reports that—

(1) document the nature and extent of—

(A) programs in such countries that provide direct or indirect government support for the export of agricultural commodities and the products thereof;

(B) other trade practices that may impede the entry of United States agricultural commodities and the products thereof into such countries; and

(C) where practicable, the average prices and costs of production in such countries for like commodities exported from the United States to such countries; and

(2) identify opportunities for the export of United States agricultural commodities and the products thereof to such countries.

(b) DUTIES.—The Secretary shall—

(1) annually compile the information contained in reports prepared under subsection (a)—

(A) on a country by country basis; and

(B) on a commodity by commodity basis for exports of United States agricultural commodities,<sup>108-2</sup> as determined appropriate by the Secretary, the export of which is hampered by an unfair trade practice. Where practicable, the

<sup>811-1</sup> Pub. L. 91-524, 84 Stat. 1358, Nov. 30, 1970. Section 811 was added by section 1(27) of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 238, Aug. 10, 1973.

<sup>108-1</sup> Pub. L. 101-624, 104 Stat. 3689, Nov. 28, 1990.

<sup>108-2</sup> Sec. 272 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996, amended subpara. (B) by striking “including fruits, vegetables, legumes, popcorn and ducks”.



report shall include a comparison of the average prices and costs of production for such commodities in the United States and in the importing countries for the previous crop year;

(2) in consultation with the agricultural technical advisory committees established under section 135(c) of the Trade Act of 1974 (19 U.S.C. 2155(c)), include in the compilation a priority ranking of those trade barriers identified in subsection (a) by commodity group;

(3) include in the compilation a list of actions undertaken to reduce or eliminate such trade barriers; and

(4) not later than January 15 of each year, make the compilation available to Congress, the agricultural policy advisory committee, and other interested parties.<sup>108-3</sup>

(c) MEETING.—The Secretary and the United States Trade Representative shall convene a meeting, at least once each year, of the Agricultural Policy Advisory Committee and the agricultural technical advisory committees to develop specific recommendations for actions to be taken by the Federal Government and private industry to—

(1) reduce or eliminate trade barriers or distortions identified in the annual reports required to be submitted under subsections (a) and (b); and

(2) expand United States agricultural export opportunities identified in such annual reports.

**SEC. 109.<sup>109-1</sup> [7 U.S.C. 1749] ATTACHE EDUCATIONAL PROGRAM.**

The Administrator of the Foreign Agricultural Service shall establish a program within the Service that directs attaches of the Service who are reassigned from abroad to the United States, and other personnel of the Service, to visit and consult with producers and exporters of agricultural commodities and products and State officials throughout the United States concerning various methods to increase exports of United States agricultural commodities and products.”.

\* \* \* \* \*

**SEC. 601.<sup>601-1</sup> [7 U.S.C. 1761]** For the purposes of encouraging and promoting the marketing of agricultural commodities of the United States and assisting American farmers, processors, distributors, and exporters to adjust their operations and practices to meet world conditions, the Secretary of Agriculture shall acquire information regarding the competition and demand for United States agricultural commodities, the marketing and distribution of said commodities in foreign countries and shall be responsible for the interpretation and dissemination of such information in the United States and shall make investigations abroad regarding the factors affecting and influencing the export of United States agricultural commodities, and shall conduct abroad any other activities including the demonstration of standards of quality for American agricultural commodities for which the Department of Agriculture now has or in the future may have such standards, as he deems necessary.

<sup>108-3</sup> Section 318 of P.L. 102-237 deleted an obsolete cross reference to the trade assistance office authorized by the Agricultural Trade Act of 1978.

<sup>109-1</sup> Pub. L. 101-624, 104 Stat. 3690, Nov. 28, 1990.

<sup>601-1</sup> Pub. L. 83-690, 68 Stat. 899, Aug. 27, 1954. The word “commodities” was substituted for “products” throughout the section by section 301 of the Agricultural Trade Act of 1978, Pub. L. 95-501, 92 Stat. 1685, Oct. 21, 1978.

Nothing contained herein shall be construed as prohibiting the Department of Agriculture from conducting abroad any activity for which authority now exists.

### **c. United States Agricultural Trade Offices**

#### **AGRICULTURAL ACT OF 1954**

SEC. 605A.<sup>605A-1</sup> [7 U.S.C. 1765a] (a) For the purpose of developing, maintaining, the Secretary of Agriculture, after consultation with the Secretary of State, shall establish not less than six nor more than twenty-five United States Agricultural Trade Offices in other nations.

\* \* \* \* \*

SEC. 605B.<sup>605A-1</sup> [7 U.S.C. 1765b] The functions of each United States Agricultural Trade Office shall be to—

(1) increase the effectiveness of agricultural export promotion efforts through consolidation of activities, providing services and facilities for foreign buyers and United States trade representatives, and coordination of market development activities sponsored by the Department of Agriculture;

(2) establish goals by nation or region and agricultural commodity for developing, expanding, and maintaining markets for United States agricultural commodities;

(3) initiate programs to achieve the export marketing goals approved by the Department of Agriculture;

(4) maintain facilities for use by nonresident cooperators, private trade groups, and other individuals engaged in the import and export of United States agricultural commodities where the use of such facilities would aid in the conduct of market development activities, and cooperate, to the maximum extent practicable, with such cooperators, groups, and individuals to expand the level of United States agricultural exports;

(5) develop and maintain a current listing of trade, government, and other appropriate organizations for each agricultural commodity area and make such listing available to persons with a bona fide interest in exporting or importing United States agricultural commodities;

(6) originate and provide assistance for exhibits, sales teams, and other functions for the promotion of United States agricultural commodities;

(7) provide practical assistance for the use of the programs under the Agricultural Trade Development and Assistance Act of 1954, the export credit sales program, the export incentives program, and related programs of the United States Government where use of such programs will serve as a market development tool for United States agriculture;

(8) supervise project agreements with United States co-operators, coordinate the activities of the United States Agricultural Trade Office with those of the cooperators, and submit annual recommendations to the Secretary of Agriculture on the efficacy of cooperator programs;

<sup>605A-1</sup> Section 401 of the Agricultural Trade Act of 1978, Pub. L. 95-501, Oct. 31, 1978, added sections 605A and 605B.

(9) publicize the services offered by the United States Agricultural Trade Office through advertisements in trade journals or by other appropriate means; and

(10) perform such other functions as the Secretary of Agriculture, in consultation with the Secretary of State, determines to be necessary and proper for achieving the purposes of this subtitle.

#### **d. Agricultural Aid and Trade Missions**

### **[AGRICULTURAL AID AND TRADE MISSIONS ACT<sup>1-1</sup>]**

**[ACT OF APRIL 4, 1988]**

**[SEC. 7.<sup>7-1</sup> [7 U.S.C. 1736bb note] INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT TO AGRICULTURAL AID AND TRADE MISSIONS.]**

## **8. CONGRESSIONAL POLICY**

### **a. Trade Policy Declaration**

#### **FOOD SECURITY ACT OF 1985**

#### **Subtitle B—Maintenance and Development of Export Markets**

**SEC. 1121.**<sup>1121-1</sup> **[7 U.S.C. 1736p]** It is hereby declared to be the agricultural trade policy of the United States to—

(1) be the premier supplier of agricultural and food products to world markets and expand exports of high value products;

(2) support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) cooperate fully in all efforts to negotiate with foreign countries further reductions in tariff and nontariff barriers to trade, including sanitary and phytosanitary measures and trade-distorting subsidies;

(4) aggressively counter unfair foreign trade practices as a means of encouraging fairer trade;

(5) remove foreign policy constraints to maximize United States economic interests through agricultural trade; and

(6) provide for consideration of United States agricultural trade interests in the design of national fiscal and monetary policy that may foster continued strength in the value of the dollar.

<sup>1-1</sup> The Agricultural Aid and Trade Missions Act was repealed by sec. 271(a) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of the Act, see p. 7-22 through 7-25 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>7-1</sup> Sec. 7 was repealed by sec. 271(b) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of sec. 7, see p. 7-25 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1121-1</sup> Pub. L. 99-198, 99 Stat. 1480, Dec. 23, 1985. Sec. 267 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996, amended sec. 1121 by striking former subsec. (a), striking “(b)”, and amending paras. (1) through (4) in their entirety.

## **b. Trade Liberalization**

### **FOOD SECURITY ACT OF 1985**

[SEC. 1122.<sup>1122-1</sup> [7 U.S.C. 1736q]]

## **c. Expansion of International Markets**

### **AGRICULTURE AND FOOD ACT OF 1981**

[SEC. 1207.<sup>1207-1</sup> [7 U.S.C. 1736m]]

## **d. Unfair Trade Practices**

### **FOOD SECURITY ACT OF 1985**

[SEC. 1164.<sup>1164-1</sup>]

## **e. Negotiating Objectives**

### **OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988**

#### **SEC. 1101. [19 U.S.C. 2901] OVERALL AND PRINCIPAL TRADE NEGOTIATING OBJECTIVES OF THE UNITED STATES.**

\* \* \* \* \*

(7)<sup>1101-1</sup> AGRICULTURE.—The principal negotiating objectives of the United States with respect to agriculture are to achieve, on an expedited basis to the maximum extent feasible, more open and fair conditions of trade in agricultural commodities by—

(A) developing, strengthening, and clarifying rules for agricultural trade, including disciplines on restrictive or trade-distorting import and export practices;

(B) increasing United States agricultural exports by eliminating barriers to trade (including transparent and nontransparent barriers) and reducing or eliminating the subsidization of agricultural production consistent with the United States policy of agricultural stabilization in cyclical and unpredictable markets;

(C) creating a free and more open world agricultural trading system by resolving questions pertaining to export and other trade-distorting subsidies, market pricing and market access and eliminating and reducing substantially other specific constraints to fair trade and more open market access, such as tariffs, quotas, and other nontariff practices, including unjustified phytosanitary and sanitary restrictions; and

(D) seeking agreements by which the major agricultural exporting nations agree to pursue policies to reduce excessive production of agricultural commodities during periods of oversupply, with due regard for the fact that the United States already undertakes such policies, and without recourse to arbi-

<sup>1122-1</sup> Sec. 1122 was repealed by sec. 268 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 975, April 4, 1996. For the text of sec. 1122, see p. 7-26 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1207-1</sup> Sec. 1207 was repealed by sec. 266 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 974, April 4, 1996. For the text of sec. 1207, see p. 7-26 and 7-27 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1164-1</sup> Sec. 1164 was repealed by sec. 270 of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 976, April 4, 1996. For the text of sec. 1164, see p. 7-28 and 7-29 of Agricultural Trade Laws Vol. (as of Dec. 8, 1994).

<sup>1101-1</sup> Pub. L. 100-418, 102 Stat. 1122, Aug. 23, 1988.

trary schemes to divide market shares among major exporting countries.

\* \* \* \* \*

## **f. Agricultural Competitiveness and Trade**

### **OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1988**

#### **TITLE IV—AGRICULTURAL TRADE**

##### **SEC. 4001.** <sup>4001-1</sup> **[7 U.S.C. 5201 note] SHORT TITLE.**

This title may be cited as the “Agricultural Competitiveness and Trade Act of 1988”.

##### **SUBTITLE A—FINDINGS, POLICY, AND PURPOSE**

##### **SEC. 4101. [7 U.S.C. 5201] FINDINGS.**

Congress finds that—

(1) United States agricultural exports have declined by more than 36 percent since 1981, from \$43,800,000,000 in 1981 to \$27,900,000,000 in 1987;

(2) the United States share of the world market for agricultural commodities and products has dropped by 20 percent during the last 6 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of \$1,000,000,000 in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms and the economic well-being of rural communities in the United States;

(6) factors contributing to the loss of United States agricultural exports include changes in world agricultural markets such as—

(A) the addition of new exporting nations;

(B) innovations in agricultural technology;

(C) increased use of export subsidies designed to lower the price of commodities on the world market;

(D) the existence of barriers to agricultural trade;

(E) the slowdown in the growth of world food demand in the 1980's due to cyclical economic factors, including currency fluctuations and a debt-related slowdown in the economic growth of agricultural markets in certain developing countries; and

(F) the rapid buildup of surplus stocks as a consequence of favorable weather for agricultural production during the 1980's;

(7) increasing the volume and value of exports is important to the financial well-being of the farm sector in the United States and to increasing farm income in the United States;

(8) in order to increase agricultural exports and improve prices for farmers and ranchers in the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including programs established under the Agricultural Trade Development and As-

<sup>4001-1</sup> Pub. L. 100-418, 102 Stat. 1388, Aug. 23, 1988.

sistance Act of 1954 (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(9) greater use should be made by the Secretary of Agriculture of the authorities established under section 4 of the Food for Peace Act of 1966 (7 U.S.C. 1707a),<sup>4101-1</sup> the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) to provide intermediate credit financing and other assistance for the establishment of facilities in importing countries to—

(A) improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) increase livestock production to enhance the demand for United States feed grains;

(10) food aid and export assistance programs in developing countries stimulate economic activity which causes incomes to rise, and, as incomes rise, diets improve and the demand for and ability to purchase food increases;

(11) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs; and

(12) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives—

(A) provides communities with health care, credit systems, and tools for development; and

(B) establishes the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products.

#### **SEC. 4102. [7 U.S.C. 5202] POLICY.**

It is the policy of the United States—

(1) to provide, through all possible means, agricultural commodities and products for export at competitive prices, with full assurance of quality and reliability of supply;

(2) to support the principle of free trade and the promotion of fair trade in agricultural commodities and products;

(3) to support fully the negotiating objectives set forth in section 1101(b) of this Act to eliminate or reduce substantially constraints on fair and open trade in agricultural commodities and products;

(4) to use statutory authority to counter unfair foreign trade practices and to use all available means, including export promotion programs, and, if necessary, restrictions on United States imports of agricultural commodities and products, in order to encourage fair and open trade; and

(5) to provide for increased representation of United States agricultural trade interests in the formulation of national fiscal and monetary policy affecting trade.

#### **SEC. 4103. [7 U.S.C. 5203] PURPOSE.**

It is the purpose of this title—

<sup>4101-1</sup> Note: Section 4 of the Food for Peace Act of 1966 was repealed by section 1574 of Pub. L. 101-624.

(1) to increase the effectiveness of the Department of Agriculture in agricultural trade policy formulation and implementation and in assisting United States agricultural producers to participate in international agricultural trade, by strengthening the operations of the Department of Agriculture; and

(2) to improve the competitiveness of United States agricultural commodities and products in the world market.

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### **g. Congressional Consultation on Bilateral Agreements**

#### **AGRICULTURE AND FOOD ACT OF 1981** <sup>1202-1</sup>

SEC. 1202. <sup>1202-2</sup> [7 U.S.C. 1736h] As soon as practicable before the Government of the United States enters into any bilateral international agreement, other than a treaty, involving a commitment on the part of the United States to assure access by a foreign country or instrumentality thereof to United States agricultural commodities or products thereof on a commercial basis, the President is encouraged to notify and consult with the appropriate committees of Congress for the purpose of setting forth in detail the terms of and reasons for negotiating such agreement.

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### **h. Multilateral Disciplines on Credit Guarantees**

#### **FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996**

#### **SEC. 282. <sup>282-1</sup> SENSE OF CONGRESS CONCERNING MULTILATERAL DISCIPLINES ON CREDIT GUARANTEES.**

It is the sense of Congress that—

(1) in negotiations to establish multilateral disciplines on agricultural export credits and credit guarantees, the United States should not agree to any arrangement that is incompatible with the provisions of United States law that authorize agricultural export credits and credit guarantees;

(2) in the negotiations (which are held under the auspices of the Organization for Economic Cooperation and Development), the United States should not reach any agreement that fails to impose disciplines on the practices of foreign government trading entities such as the Australian Wheat Board, the Canadian Wheat Board, the New Zealand Dairy Board, and the Australian Dairy Board; and

(3) the disciplines should include greater openness in the operations of the entities as long as the entities are subsidized by the foreign government or have monopolies for exports of a commodity that are sanctioned by the foreign government.

<sup>1202-1</sup> Pub. L. 97-98, 95 Stat. 1213, Dec. 22, 1981.

<sup>1202-2</sup> 95 Stat. 1275.

<sup>282-1</sup> P.L. 104-127, 110 Stat. 980, April 4, 1996.

## 9. MISCELLANEOUS

### a. Edward R. Madigan United States Agricultural Export Excellence Award

**FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996**  
**SEC. 261.**<sup>261-1</sup> **[7 U.S.C. 5678] EDWARD R. MADIGAN UNITED STATES AGRICULTURAL EXPORT EXCELLENCE AWARD.**

(a) FINDINGS.—Congress finds that—

(1) United States producers of agricultural products are some of the most productive and efficient producers of agricultural products in the world;

(2) continued growth and expansion of markets for United States agricultural exports is crucial to the continued development and economic well-being of rural areas of the United States and the agricultural sector of the United States economy;

(3) in recent years, United States agricultural exports have steadily increased, surpassing \$54,000,000,000 in value in 1995;

(4) as United States agricultural producers move toward a market-oriented system in which planting and other decisions by producers are driven by national and international market signals, developing new and expanding agricultural export markets is vital to maintaining a vibrant and healthy agricultural sector and rural economy; and

(5) a United States agricultural export excellence award will increase United States agricultural exports by—

(A) identifying efforts of United States entities to develop and expand markets for United States agricultural exports through the development of new products and services and through the use of innovative marketing techniques;

(B) recognizing achievements of those who have exhibited or supported entrepreneurial efforts to expand and create new markets for United States agricultural exports or increase the volume or value of United States agricultural exports; and

(C) disseminating information on successful methods used to develop and expand markets for United States agricultural exports.

(b) ESTABLISHMENT.—There is established the Edward R. Madigan United States Agricultural Export Excellence Award, which shall be evidenced by a medal bearing the inscription “Edward R. Madigan United States Agricultural Export Excellence Award”. The medal shall be of such design and materials and bear such additional inscriptions as the Secretary of Agriculture (referred to in this section as the “Secretary”) may prescribe.

(c) SELECTION OF RECIPIENT.—The President or the Secretary (on the basis of recommendations received from the board established under subsection (h)) shall periodically provide the award to companies and other entities that in the judgment of the President or the Secretary substantially encourage entrepreneurial efforts in

<sup>261-1</sup> P.L. 104-127, 110 Stat. 972, April 4, 1996.



the food and agriculture sector for advancing United States agricultural exports.

(d) PRESENTATION OF AWARD.—The presentation of the award shall be made by the President or the Secretary with such ceremonies as the President or the Secretary considers proper.

(e) PUBLICATION OF AWARD.—An entity to which an award is made under this section may publicize the receipt of the award by the entity and use the award in advertising of the entity.

(f) CATEGORIES FOR WHICH AWARD MAY BE GIVEN.—Separate awards shall be made to qualifying entities in each of the following categories:

(1) Development of new products or services for agricultural export markets.

(2) Development of new agricultural export markets.

(3) Creative marketing of products or services in agricultural export markets.

(g) CRITERIA FOR QUALIFICATION.—An entity may qualify for an award under this section only if the entity—

(1)(A) applies to the board established under subsection (h) in writing for the award; or

(B) is recommended for the award by a Governor of a State;

(2)(A) has exhibited significant entrepreneurial effort to create new markets for United States agricultural exports or increase United States agricultural exports; or

(B) has provided significant assistance to others in an effort to create new markets for United States agricultural exports or increase United States agricultural exports;

(3) has not received another award in the same category under subsection (f) during the preceding 5-year period; and

(4) meets such other requirements and specifications as the Secretary determines are appropriate to achieve the objectives of this section.

(h) BOARD.—

(1) SELECTION.—The Secretary shall appoint a board of evaluators, consisting of at least 5 individuals from the private sector selected for their knowledge and experience in exporting United States agricultural products.

(2) MEETINGS.—The board shall meet at least once annually to review and evaluate all applicants and entities recommended by States under subsection (g)(1).

(3) RECOMMENDATIONS OF BOARD.—The board shall report its recommendations concerning the making of the award to the Secretary.

(4) TERM.—Each member of the board may serve a term of not to exceed 3 years.

(i) FUNDING.—The Secretary may seek and accept gifts from public and private sources to carry out this section.

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**b. International Cotton Advisory Committee****FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT OF 1996  
SEC. 283.<sup>283-1</sup> [22 U.S.C. 288 note] INTERNATIONAL COTTON ADVISORY COMMITTEE.**

(a) IN GENERAL.—The President shall ensure that the Government of the United States participates as a full member of the International Cotton Advisory Committee.

(b) REPRESENTATION BY THE SECRETARY.—The Secretary of Agriculture shall represent the Government of the United States as a member of the International Cotton Advisory Committee and shall delegate the primary responsibility to represent the Government of the United States to appropriately qualified individuals.

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<sup>283-1</sup> P.L. 104-127, 110 Stat. 980, April 4, 1996.